

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Noah McCourt,

Civ. No. 20-1116 (ECT/BRT)

Plaintiff,

v.

**REPORT AND  
RECOMMENDATION**

Jennifer Carnahan and Minnesota  
Republican Party of Minnesota,

Defendants.

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In an order dated June 9, 2020, this Court ordered Plaintiff Noah McCourt to “submit a properly completed Marshal Service Form (Form USM-285) for each Defendant.” (Doc. No. 4.) The Court gave McCourt 30 days—that is, until July 9, 2020—to submit these materials, failing which this Court would recommend that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and McCourt has not submitted the required documents. In fact, McCourt has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

## RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
**IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT  
PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: August 5, 2020

s/ Becky R. Thorson  
BECKY R. THORSON  
United States Magistrate Judge

## NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).